

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL PHELPS,

Plaintiff,

v.

MANUEL PEREZ, et al.,

Defendants.

No. 1:22-cv-01406-ADA-SAB (PC)

ORDER DIRECTING CLERK OF COURT TO
ISSUE DISCOVERY AND SCHEDULING
ORDER

Plaintiff Paul Phelps is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983.

On September 26, 2023, Defendants filed a statement noting the death of Plaintiff and requested the Court to vacate all pending dates. (ECF No. 27.)

On September 27, 2023, the Court vacated the settlement conference, which was set for November 9, 2023, directed Defendants to file a notice of suggestion of Plaintiff's death *with proper service of notice* within thirty days, or the Court would proceed with further scheduling of the case. (ECF No. 28.) Defendants have not filed re-filed the suggestion of death and the time to do so has passed. Accordingly, it is HEREBY ORDERED that the Clerk of Court shall issue the discovery and scheduling order in this case.

IT IS SO ORDERED.

Dated: November 1, 2023



UNITED STATES MAGISTRATE JUDGE